

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6387

DAMIAN JACKSON,

Plaintiff - Appellant,

versus

JAMES L. JENKINS, Chairman,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, District Judge. (CA-01-252)

Submitted: June 13, 2002

Decided: June 18, 2002

Before WIDENER, LUTTIG, and WILLIAMS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Damian Jackson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Damian Jackson appeals the district court's order dismissing without prejudice his 42 U.S.C.A. § 1983 (West Supp. 2001) complaint. Jackson's case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1994). The magistrate judge recommended that relief be denied and advised Jackson that failure to file timely and specific objections to this recommendation could waive appellate review of a district court's order based on the recommendation. Despite this warning, Jackson failed to file any objections to the magistrate judge's recommendation.

The timely filing of objections to the magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. Fed. R. Civ. P. 72(b); Wright v. Collins, 766 F.2d 841, 845-47 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140, 155 (1985). Failure to file timely specific objections shall constitute a waiver of a party's appellate review if the recommendation is accepted by a district judge. United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1985). Jackson has waived appellate review by failing to file any objections to the magistrate judge's recommendation after receiving proper notice. Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal

contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED